

HR 1820 IH

107th CONGRESS

1st Session

H. R. 1820

To amend the Defense Base Closure and Realignment Act of 1990 to authorize an additional round of military base closures and realignments using a two-step process that first identifies those military bases that may not be considered for closure or realignment.

IN THE HOUSE OF REPRESENTATIVES

May 10, 2001

Mr. SNYDER introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Defense Base Closure and Realignment Act of 1990 to authorize an additional round of military base closures and realignments using a two-step process that first identifies those military bases that may not be considered for closure or realignment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Military Infrastructure Transformation Act of 2001'.

SEC. 2. ADDITIONAL ROUND OF DEFENSE BASE CLOSURES AND REALIGNMENTS IN 2003.

(a) ADDITIONAL ROUND OF CLOSURES AUTHORIZED- The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-501; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

SEC. 2912. BASE REINVESTMENT AND COMMUNITY ENTERPRISE INITIATIVE FOR 2003.

(a) AUTHORIZATION OF ADDITIONAL BASE CLOSURE ROUND- (1) During the period between January 15, 2003, and January 31, 2003, the President may elect to commence an additional round of base closures and realignments by transmitting to the Senate nominations for the appointment of new members to the Defense Base Closure and Realignment Commission. If the President does not transmit to Congress the nominations during that period, the process by which military installations may be selected for closure or realignment under this section shall be terminated.

(2) As part of the submission of the nominations under paragraph (1), the Secretary of Defense may submit to Congress a report explaining the military necessity for further base closures and realignments.

(3) Notwithstanding section 2902(d), the term of the Commission required for the round of base closures and realignment authorized by this section shall continue until the disposal of property at all military installations approved for closure under this section is completed. Notwithstanding section 2902(i), the Commission may only maintain 15 staff members after December 31, 2003.

(b) SELECTION CRITERIA- (1) The Secretary shall amend the criteria to be used in making recommendations for the closure or realignment of military installations inside the United States to reflect the requirement to develop a list of those military installations to be excluded from the base closure and realignment process, as provided in subsection (c). The Secretary shall comply with section 2903(b)(2)(B) in amending the criteria, except that the Secretary shall publish the proposed amendments in the Federal Register and transmit them to the congressional defense committees not later than December 1, 2002, and publish the final criteria in the Federal Register and transmit to such committees not later than January 15, 2003. The Secretary shall comply with section 2903(a) in preparing the budget justification documents submitted to Congress in support of the budget for the Department of Defense for fiscal year 2004.

(2) It is the sense of Congress that the national security needs of the United States in the future will be best met by a military force that operates on the principle of jointness, and, therefore, the Secretary and the Commission should consider jointness when performing their duties in the additional round of base closures and realignments authorized by this section.

(c) LIST OF INSTALLATIONS EXCLUDED FROM CONSIDERATION FOR CLOSURE OR REALIGNMENT- (1) Before preparing the list of military installations inside the United States that the Secretary recommends for closure or realignment, the Secretary shall prepare a list of core military installations that the Secretary considers absolutely essential

to the national defense and that should not be considered for closure.

`(2) Not later than February 15, 2003, the Secretary shall submit to the congressional defense committees, publish in the Federal Register, and send to the Commission the list required by paragraph (1). The list shall contain not more than 50 percent of the military installations inside the United States.

`(3) The Commission shall consider the list based on the amended criteria developed under subsection (b). The Commission may modify this list, in the manner provided in section 2903(d), if the Commission finds that the inclusion of a military installation on the list substantially violates the criteria. Except as provided in subsection (d), the Commission shall forward to the President, not later

than April 15, 2003, a report containing its recommendations regarding the list, which must comply with the percentages specified in paragraph (2). The Comptroller General shall also comply with section 2904(d)(5) by that date.

`(4) If the Commission submits a report to the President under paragraph (3), the President shall notify Congress, not later than April 30, 2003, regarding whether the President approves or disapproves the report. If the President disapproves the report, the Commission shall have until May 15, 2003, to submit a modified report, after which the President shall have until May 22, 2003, to transmit the modified report to Congress. If the President fails to do so or does not approve the modified list, the Commission shall be dissolved, and the process by which military installations may be selected for closure or realignment under this section shall be terminated.

`(5) A military installation included on the exclusion list approved under this subsection may not be included on the closure and realignment list prepared under subsection (e) or otherwise considered for closure or realignment as part of the base closure process under this section.

`(d) COMMISSION REVIEW OF NEED FOR FURTHER CLOSURES- As part of its activities under subsection (c), the Commission shall determine whether there exists a military necessity for further base closures. In making this determination, the Commission may take such testimony and consider such submitted documentation and statements as the Commission considers appropriate. If the Commission determines that further closures are not militarily necessary, and transmits this determination to the President, the Commission shall be dissolved, and the process by which military installations may be selected for closure or realignment under this section shall be terminated.

`(e) PREPARATION AND CONSIDERATION OF CLOSURE AND REALIGNMENT LIST- (1) Not later than 15 days after that date on which the President approves the list prepared under subsection (c), the Secretary shall publish in the Federal Register, transmit

to the congressional defense committees, and send to the Commission, a list of military installations recommended for closure or realignment. The Commission shall consider this list in the manner provided in section 2903(d), except that the Commission's report shall be transmitted to the President not later than October 15, 2003.

`(2) Not later than October 30, 2003, the President shall notify Congress regarding whether the President approves or disapproves the report. If the President disapproves the closure list, the Commission shall have until November 15, 2003, to submit a revised list. If the President does not approve the revised list by November 30, 2003, or does not transmit approval or disapproval of the revised list to Congress by that date, the Commission shall be dissolved, and the process by which military installations may be selected for closure or realignment under this section shall be terminated. If the President approves the original or revised list, the President shall transmit to Congress a copy of the Commission's report, together with the certification of such approval.

`(f) CONGRESSIONAL DISAPPROVAL- Section 2904(b)(1) shall apply to the base closure process required by this section, except that the date otherwise determined under subparagraph (A) of such section is deemed to be December 31, 2003.

`(g) IMPLEMENTATION- Within three years after the date of the enactment of this section, the Secretary shall initiate the closure or realignment, as the case may be, of all military installations recommended for closure or realignment by the Commission in the report transmitted to the Congress by the President pursuant to subsection (e), unless Congress disapproves of the report as provided in subsection (f).

`(h) COMMISSION'S ROLE DURING CLOSURE- (1) During the Secretary's implementation of base closures and realignments approved under this section, the Commission shall serve as an Ombudsman, to which any affected community (containing or bordering a military installation to be closed) or redevelopment authority may appeal regarding problems or disputes with the Secretary in the process of closure or realignment. Appeals may be submitted to the Commission regarding any dispute between the affected parties (the Secretary, redevelopment authorities, and local communities) after approval of the closure list.

`(2) The Commission is authorized, but not required, to issue a decision on an appeal submitted under paragraph (1). Any such decision shall be made by majority vote. The decision shall be binding on the Secretary unless the Secretary overrules the decision of the Commission. If the Secretary overrules a decision, the Secretary shall provide written notice, including the reasons why the Secretary is overruling the decision, to the Chairman of the Commission, the affected community or redevelopment authority, and the Chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.

`(3) The Commission may not take a military installation off the closure list, change a closure to a realignment (or vice versa), or make any other substantive changes to the list, but the Commission shall have jurisdiction over solely procedural matters.'.

(b) ADJUSTMENT AND DIVERSIFICATION ASSISTANCE- Section 2391(b)(1) of title 10, United States Code, is amended by inserting after `the affected community' the following: `or the community contains an economically distressed area'.

(c) REPORT ON EXPEDITING BASE CLOSURE PROPERTY TRANSFERS- Not later than December 31, 2003, the Secretary of Defense shall submit to Congress a report evaluating the feasibility of permitting local communities and redevelopment authorities to take possession of individual structures on military installations approved for closure, when such structures are no longer needed for military purposes, without waiting for the closure of the installation.

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